

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Darcy S. Villebrun,)	
)	
Petitioner,)	Case No. 3:08-cv-122
)	
-vs-)	ORDER ADOPTING MAGISTRATE
)	JUDGE'S REPORT AND
State of North Dakota,)	RECOMMENDATION
)	
Respondent.)	

Before the Court is a petition for habeas relief under 28 U.S.C. § 2254 along with a motion to dismiss and motion for order to show cause. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Villebrun's habeas petition be dismissed with prejudice (Doc. #2), that the Respondent's motion to dismiss be granted (Doc. # 6), and that Villebrun's motion for order to show cause and prejudice be denied as moot. (Doc. #10).

On May 13, 2009, Villebrun objected to the Report and Recommendation. Her objection states as follows:

I Darcy Villebrun, am Objecting to this recommendation dated April 27th 2009 from Judge Karen K. Klein.

Pursuant to local rule 72.1(D)(3) I received my copy of the order in the mail on 5-01-09.

The Court has reviewed the Report and Recommendation, along with the entire file, and agrees with the Magistrate Judge's analysis and recommendation. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Villebrun's petition for habeas relief under 28 U.S.C. § 2254 is **DISMISSED WITH PREJUDICE**; Respondent's Motion to Dismiss is **GRANTED**; and Villebrun's Motion for

Order to Show Cause and Prejudice is **DENIED AS MOOT**.

IT IS SO ORDERED. LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 27th day of May, 2009.

/s/ Ralph R. Erickson

Ralph R. Erickson, District Judge
United States District Court